

Amendment Dated 04/04/05  
Response to Office Action Dated 02/04/05

Application No. 09/868,694  
Attorney Docket No. 05222.00153

### REMARKS

Claims 1-18 are pending with the response to this Office Action. Claims 1-18 stand rejected.

The Applicant thanks the Examiner for accepting the amended title "A DYNAMIC TOOLBAR IN A TUTORIAL SYSTEM". The Applicant also thanks the Examiner for accepting the amendments to correct typographical errors. The Applicant thanks the Examiner for withdrawing the objection to the Oath/Declaration and for withdrawing the "Request for Information." The Applicant also thanks the Examiner for withdrawing the objections to the Information Disclosure Statement, drawings, specification, and abstract.

The Applicant thanks the Examiner for withdrawing the rejections of claims 1 and 10 under 35 U.S.C. 102 (f) and (g), the rejections of claims 6, 9, 15, and 18 under 35 U.S.C. 112, second paragraph, and the rejections of claims 1-9 under 35 U.S.C. 101.

#### Double Patenting

Claims 1 and 10 are rejected by the Office Action under judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 10 of US 6,016,486. The Applicant is filing a terminal disclaimer in a separate paper. Claims 1 and 10 are provisionally rejected by the Office Action under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 10 of co-pending Application No. 10/852,551. The Applicant is filing a terminal disclaimer in a separate paper. The Applicant requests reconsideration of claims 1 and 10.

#### Claim Rejections – 35 U.S.C. § 102

Claims 1-18 are rejected under 35 U.S.C. 102(b) as allegedly being anticipated by WO 97/44766 (Cook). The Applicant has amended claim 1 to clarify what is being claimed and to include the feature of "providing a dynamic toolbar on the display to assist the student with achieving the goal, **the dynamic toolbar being configurable for the presentation.**" (Emphasis added.) The Amendment is supported by the specification as originally filed. For example, the specification discloses (Page 13, lines 2-7. Emphasis added.):

Figure 7 illustrates the use of a toolbar to navigate and access application level features in accordance with a preferred embodiment. A student uses a toolbar to navigate and also to access some of the application-level features of the application. **The toolbar is the inverted L-shaped object across the top and left of the interface. The top section of the toolbar allows the user to navigate**

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**to tasks within the current activity. The left section of the toolbar allows the student to access other features of the application, including feedback. The student can have his deliverables analyzed and receive feedback by clicking on the Team button.**

As taught by the above teachings of the present patent application, the user is provided a toolbar that is configured for the presentation so that the user can navigate tasks within the current activity and can access other features of the application. For example, the toolbar that is shown in Figure 7 includes the "Journalize" selection for a journalizing presentation. (Page 13, lines 2-19.) The Office Action alleges (page 4, item 11) that "providing a dynamic toolbar on the display to assist the student with achieving the goal (Cook, Fig. 3, item 10) (EN: processor, memory and control logic are generic features of a computer to be found through the prior art of Cook.)" The Office Action further alleges (page 10, item 24) that "Applicant should appreciate that any toolbar is dynamic since such toolbar will activate with the student's action." However, Cook merely teaches (Page 54, lines 11-14):

Below file system toolbar 306 is toolbar 310 for tools the system has access to. Illustrated here are icons for a calculator, a word processor, communications, and starfish, a general purpose language tool.

It appears that Cook merely teaches a statically-configured toolbar for general purpose tools that are accessible by a student and that is not configurable for the presentation. Toolbar 310 is static and is not configured for a student's activity. As taught by Cook, toolbar 310 merely provides general purpose tools (e.g., a calculator, word processor, and starfish) that may be used in any presentation of the agent based instruction (ABI) system.

Similarly, claim 10 includes "logic that presents a dynamic toolbar on the display to assist the student with achieving the goal, the dynamic toolbar being configurable for the presentation." Moreover, claims 2-9 and 11-18 ultimately depend from claims 1 and 10 and are not anticipated for at least the above reasons. The Applicant requests reconsideration of claims 1-18.

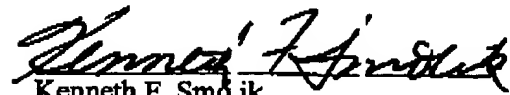
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It is respectfully submitted that the present application is in condition for allowance, and a Notice to that effect is earnestly solicited.

Respectfully submitted,

Date: April 4, 2005



Kenneth F. Smolik  
Registration No. 44,344  
BANNER & WITCOFF, LTD.  
10 S. Wacker Drive, Suite 3000  
Chicago, IL 60606-7407  
Telephone: 312-463-5000  
Facsimile: 312-463-5001